

tinguish all right on his part, to any allowance out of the proceeds of sale for the annuity, which might accrue after the day of sale. It would certainly be a thing to be regretted, if such should be the case; because nothing can be clearer than that the complainant had a right to file his bill for a sale, upon the default of the mortgagors to pay the annuity as it became due; and it would be a reproach to our system of jurisprudence, if he must, in the exercise of this unquestioned right, forfeit all security for future payments. The authorities are, I think, the other way, and show very clearly, that whilst the mortgagors may prevent a foreclosure or sale, in the case of a mortgage payable by instalments, or when interest is due but not the principal, by paying the sum due; yet if he fails to do so, a sale will be decreed, of so much of the property as will pay the amount due, when the decree will stand as a security for the other instalments as they may become due; or if the property cannot be conveniently or safely sold in parcels, it may be disposed of entire, and the whole debt paid, with such rebate of interest on the sums not due, as may be just and equitable.

This I understand to be the settled doctrine upon the subject, and undoubtedly meets the justice of the case. *Salmon vs. Clagett*, 3 Bland, 179. *Binckerhoof vs. Thalhimer*, 2 Johns. Ch. R., 486. *Campbell et al. vs. Macomb et al.*, 4 ib. 534. This exception, therefore, cannot be sustained.

The remaining question relates to the propriety of the rule adopted by the Auditor for ascertaining the present value of the annuity, payable to the complainant during the life of Mrs. Mary Ayres. In the account A, he has assigned to the complainant so much of the proceeds of the sales as would, according to Dr. Price's Northampton Tables, be sufficient to purchase such an annuity; though, as he observes, there is no evidence that the sum so assigned would be sufficient for the purpose.

These tables were formed by Dr. Price, from bills of mortality, kept in the parish of All Saints, in the town of Northampton, in England, from the years 1735 to 1780; but it seems to be conceded, they would not now, in England, furnish a safe guide to follow, in estimating the present value of a life